

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WILL CO LTD.,

Plaintiff,

v.

DOES 1-20, FELLOW SHINE GROUP
LIMITED, KAM KEUNG FUNG,

Defendant.

CASE NO. 3:20-CV-5666-DGE

ORDER TO FILE STATUS REPORT

This matter comes before the Court on “Defendants’ Memorandum of Law in Support of Motion to Dismiss for Lack of Personal Jurisdiction.” Dkt. 23-1. On July 19, 2021, after considering the Motion to Dismiss, the Honorable Robert S. Lasnik found Plaintiff Will Co. Ltd. failed to establish personal jurisdiction. Dkt. 43.¹ The Court took the Motion to Dismiss under advisement, provided Plaintiff an opportunity to take jurisdictional discovery from Defendants’ Fellow Shine Group Limited (“FSG”) and Kam Keung Fung, and stated the Motion to Dismiss

¹ The case was reassigned to the Honorable David G. Estudillo on October 18, 2021. Judge Estudillo referred the motion to dismiss to the undersigned on June 27, 2022. Dkt. 64.

1 would be granted if Plaintiff failed to file a supplemental response. *Id.* at pp. 11-12. The parties
2 filed supplemental briefing and, on August 17, 2022, the undersigned recommended the Motion
3 to Dismiss be granted and this case be closed. Dkt. 65.

4 While the Report and Recommendation was pending, the Ninth Circuit Court of Appeals
5 issued its decision in *Will Co., Ltd. v. Lee*, 2022 WL 3906205 (9th Cir. Aug. 21, 2022) (“*Lee*”).
6 Chief Judge Estudillo, the District Judge assigned to this case, determined *Lee* may impact the
7 precedent the undersigned relied on when issuing the Report and Recommendation. *See* Dkt. 72.
8 Therefore, Chief Judge Estudillo declined to adopt the Report and Recommendation and referred
9 the matter back to the undersigned “for further review in light of [*Lee*].” *Id.*

10 The parties provided argument on *Lee* in the Objections and Response to Objections.
11 Dkts. 66, 68. The parties also requested an extension to allow Plaintiff to file a reply to
12 Defendants’ Response to Plaintiff’s Objections, which was denied. Dkts. 70, 71.

13 On re-referral, the undersigned will be considering only whether *Lee* impacts the
14 precedent relied on in the Report and Recommendation. Therefore, the Court directs counsel for
15 both Plaintiff and Defendants to meet and confer regarding whether additional briefing is
16 necessary or whether the case is ready for a determination based on the arguments contained in
17 the Objections and Response to Objections.

18 The parties are directed to file a joint status report on or before October 28, 2022,
19 regarding their positions on whether additional briefing is necessary. If the parties agree that
20 additional briefing is necessary, the parties are directed to file a proposed briefing schedule.

21 Dated this 11th day of October, 2022.

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23 _____

24 David W. Christel
United States Magistrate Judge